



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 4717-99  
15 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 18 July 1983 at the age of 18. Your record reflects that you served for nearly three years without incident but on 6 June 1986 you received nonjudicial punishment (NJP) for wrongful use of cocaine. The punishment imposed was restriction for 60 days and forfeitures totalling \$834.60.

Subsequently, on 25 June 1986, you were notified of pending administrative separation action by reason of misconduct due to drug abuse and commission of a serious offense. At this time you waived your rights to consult with legal counsel, present your case to an administrative discharge board, and to submit a statement in rebuttal to the separation. On 11 July 1986, in view of the positive urinalysis and your admission of drug use, your commanding officer recommended you be issued an other than honorable discharge by reason of drug abuse and commission of a serious offense. On 24 August 1986 the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to drug abuse/use. On 3 September 1986 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contentions that your ability to satisfactorily serve was impaired and clemency is warranted in your case because it is an injustice for you to continuously suffer the adverse consequences of a bad conduct discharge. The Board further considered your contention that you would like your discharge upgraded to honorable, narrative reason for separation changed to convenience of the government, and reenlistment code changed to RE-1. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge or a change in your narrative reason for separation or reenlistment code given the serious nature of your drug related misconduct. Given all the circumstances of your case, the Board concluded your discharge, narrative reason for separation, and reenlistment code were proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director